UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,977	04/12/2001	Simon Viruthakulangara Abraham	Abraham 1	2073

7590 04/05/2004	EXAMINER
WALTER W. DUFT	BUI, BING Q
LAW OFFICE OF WALTER W. DUFT	

	ART UNIT	PAPER NUMBER
10255 MAIN STREET		
SUITE 10	2642	

CLARENCE, NY 14031

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 January 2004_.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-24_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's response filed on Jan 28, 2004. Claims

1-24 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Devillier et al (US Pat No. 6,366,661) in view of Bansal et al (US Pat No. 6,208,726),

herein after referred as Devillier and Bansal.

Regarding claim 1, Devillier teaches a method for alerting an on-line data

network user about an incoming call comprising the steps of:

receiving at a voice network resource managed by a communication assistance

service entity a request from a caller in said voice network for establishment of a voice

network call connection to said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns

30-57);

collecting call request information (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns

30-57);

notifying said on-line user of said call request via said data network (see col. 3, ln

66-col. 4, ln 38 and col. 5, lns 30-57);

prompting said on-line user for a call handling action (see col. 3, ln 66-col. 4, ln

38 and col. 5, lns 30-57);

collecting a response from said on-line user (see col. 3, ln 66-col. 4, ln 38 and

col. 5, lns 30-57); and

processing said response such that if said response is to receive said voice network call connection, said on-line user is connected to said caller (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

As it can be seen, Bajzath teaches the invention substantially as claimed, with the exception of providing the method of establishing a call alert charging strategy relative to said caller. However, Bansal teaches when a caller desires to reach a telephone number which is producing a busy signal, the caller can currently dial the operator and for a special charge, have the operator connect the caller into the called party's existing telephone call (see col. 1, lns 12-18). Therefore, integrating Bansal's teachings into the communication assistance system of Devillier would have been obvious for recurring the cost of service.

Regarding claim 2, Bansal teaches the receiving step includes receiving said call request at a voice network operator position system managed by a live communication assistance service entity and running a service package application software program (see col. 1, lns 12-18).

Regarding claim 3, Devillier teaches the receiving step includes receiving said call request at a voice network operator position system managed by an automated communication assistance service entity and running a service package application software program (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

Regarding claim 4, Devillier teaches the notifying step includes (a) said communication assistance service entity instructing a service package application program running on said voice network resource to issue a call alert request message containing said call request information, (b) a data network server resource being advised of said call alert request message, and (c) said data network server resource

sending a call alert message to a data network client resource associated with said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

Regarding claim 5, Devillier teaches the notifying step further includes said voice network resource sending said call alert request message to an intelligent network resource, and said intelligent network resource issuing a call alert query. to said data network server resource (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

Regarding claim 6, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without billing verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

Regarding claim 7, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without subscriber verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

Regarding claim 8, Devillier teaches the notifying step further includes said data network server resource sending said call alert message to said data network client resource only upon said on-line user being verified by said data network server to be actively available for call alerting service (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

As to claims 9-10, they are rejected for the same reasons set forth to rejecting claim 1.

As to claim 11, it is rejected for the same reasons set forth to rejecting claims 1-6 above, since claim 11 is merely a system for implementing the method defined in the method claims 1-6.

As to claims 12-14, they are rejected for the same reasons set forth to rejecting claims 5-7 above, since claims 12-14 are merely a system for implementing the method defined in the method claims 5-7.

As to claim 15, it is rejected for the same reasons set forth to rejecting claim 1 above, since claim 15 is merely a system for implementing the method defined in the method claim 1.

As to claims 16-17, they are rejected for the same reasons set forth to rejecting claim 2 above, since claims 16-17 are merely a system for implementing the method defined in the method claim 2.

As to claims 18-22, they are rejected for the same reasons set forth to rejecting claims 4-8 above, since claims 18-22 are merely a system for implementing the method defined in the method claims 4-8, respectively.

As to claims 23-24, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 23-24 are merely a system for implementing the method defined in the method claim 1.

Response to Arguments

3.   Applicant's arguments filed 01/28/04 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation "an on-line data network user who has not pre-subscribered for automated data network call notification service" has

not been given patentable weight because the recitation occurs in the preamble. A

preamble is generally not accorded any patentable weight where it merely recites the

purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190

USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481

(CCPA 1951).

In addition to the above arguments, Applicant argues that the Devillier's

notification system is a subscriber-based service and thus there would have been no

motivation or incentive to provide for caller side charge strategy establishment.

Examiner respectfully disagrees because nowhere in Devillier showing that the feature

of notification service is required to be subscribed by a communication user. As

Examiner's understanding however, the term "subscriber" used by Devillier is merely

represented for a communication user who uses a speech or data communication

service (see column 6, lines 19-33) and it should be understood that this

communication service is not necessary a notification service. As a matter of fact, there

is no need for subscribing a notification service to get notification related to an incoming

call while we are busy on an on-going communication. This scenario can be found in

Patent No. 6,047,057 to Weishut et al (see column 1, line 52 – column 2, line 21) or

Patent No. 6,208,726 to Bansal et al (see Abstract) or Patent No. 6,310,946 to Bauer et

al (see Abstract) previously cited. Therefore, integrating Bansal's teachings into

communication assistance system of Devillier would have been obvious for recurring

the cost of service.

For above reasons, Examiner's ground of rejection is maintained in view of

Devillier and Bansal.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Yamanishi et al (US Pat No. 5,841,853) disclose a system having interrupt call

processing capability.

Weishut et al (US Pat No. 6,047,057) disclose a method and system for intruding

on a busy called party.

Rosenthal (US Pat No. 6,208,718) disclose an emergency interrupt technique.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Bing Bui
Mar 27, 2004

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600